

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

DWIGHT ANTONIO HOWARD

PLAINTIFF

VS.

CIVIL ACTION NO. 5:14-cv-66(DCB)(MTP)

RUTH SAUCIER and
DR. JAMES BURKE

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 64**), and on the plaintiff's Objections thereto (docket entries 67 and 69). Having carefully reviewed same, as well as the other pleadings in this case, the Court finds as follows:

Magistrate Judge Parker notes that the plaintiff, Dwight Antonio Howard's claims arise from medical treatment he received while incarcerated at Wilkinson County Correctional Facility ("WCCF"). In his thorough Report and Recommendation, the magistrate judge finds that the plaintiff has failed to offer any evidence showing that the defendants' actions were objectively unreasonable, that the defendants acted with the requisite state of mind, or that any lack of information affected the plaintiff's right to accept or reject proposed treatment. The plaintiff's Objections do not raise any fact issues that contradict the magistrate judge's findings.

Magistrate Judge Parker concludes that the motion for summary judgment (**docket entry 43**) filed by defendants Ruth Saucier and Dr.

James Burke should be granted, that the Complaint filed against the defendants should be dismissed, and that the defendants' motions to strike (**docket entries 59 and 61**) should be denied as moot.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 64**) is ADOPTED as the findings of this Court;

FURTHER ORDERED that the motion for summary judgment (**docket entry 43**) filed by defendants Ruth Saucier and Dr. James Burke is GRANTED, and all claims against said defendants are dismissed with prejudice;

FURTHER ORDERED that the defendants' motions to strike (**docket entries 59 and 61**) are DENIED AS MOOT.

A final judgment dismissing this action in accordance with Rule 58 of the Federal Rules of Civil Procedure shall follow.

SO ORDERED, this the 17th day of March, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE